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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,421

04/10/2006

Robertus Albertus Brondijk

NL 031269

3754

24737

7590

10/14/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BUTCHER, BRIAN M

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

10/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,421	<b>Applicant(s)</b> BRONDIJK, ROBERTUS ALBERTUS	
	<b>Examiner</b> BRIAN BUTCHER	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 – 3 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroda (United States Patent Application Publication US 2003/0103431 A1), hereinafter referenced as Kuroda, in view of Tanaka (United States Patent US 7,158,466), hereinafter referenced as Tanaka.

Regarding **claim 1**, Kuroda discloses an optical disk recording method that reads on the method for recording information on a multi-layer disc claimed. Kuroda discloses a "Method of recording information on a multi-layer optical record carrier, said record carrier comprising at least two information layers " (page 1, paragraph [0013] 'method' and page 2, paragraph [0036] 'two-layer structure') , "each of said information layers comprising . . . an user information area" (page 2, paragraphs [0039] [0040], and figure 3A items 26, 27 'general information recoding area'), "a first recording step of writing information patterns representing user information in the user information area of a first said at least two information layers" (page 2, paragraph [0041], and figure 3A items B, 23 'general information recording area'), "a subsequent second recording step of writing information patterns representing user information in the user information area of a second of said at least two information layers" (page 3, paragraph [0044], and figure 3B items E, 24, 27 'general information recording area 27'), "a subsequent finalization step of writing information patterns representing control information in the inner control information areas and the outer control information areas of said first and second information layers" (page 3, paragraph [0045], and figure 3A items C, 25) ,

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"characterized in that the method further comprises an initialization step of writing information patterns representing control information in at least one of the inner control information area and the outer control area of the second information layer, and in that the initialization step is located in time before the recording step" (page 4, paragraph [0070], and lines 1 - 6 'general information is not yet recorded'). However, Kuroda fails to disclose where "each of said information layers [comprises] an inner control information area . . . and an outer control information area". The examiner maintains that it was well known in the art for the optical disk recording method disclosed in Kuroda to include "information layers comprising an inner control information area . . . and an outer control information area", as taught by Tanaka.

In a similar field of endeavor Tanaka discloses a method for recording data on a multilayer optical recording medium that has two information layers both having a lead-in area and a lead-out area (column 13, lines 4 – 7, figure 7 items 3b 5b and column 7, lines 61 – 67 and figure 7 items 3d 5d) which reads on "said information layers comprising an inner control information area, . . . and an outer control information area" claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the optical disk recording method of Kuroda by specifically using the teachings in Tanaka to include "said information layers comprising an inner control information area, . . . and an outer control information area" because one having ordinary skill in the art would recognize that a multilayer disc having multiple

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control information areas is an obvious variant of the single control information area disk of Kuroda.

Regarding **claim 2**, Kuroda and Tanaka, hereinafter referenced as KT, disclose everything claimed as applied above (see claim 1), in addition KT disclose that "in the initialization step the information patterns representing control information are written in the outer control information area of the second layer". Specifically, Kuroda discloses that initial management information is written to the management information recording area 25 (page 4, paragraph [0070], lines 4 - 6, and figure 3A item 25). However, Kuroda fails to explicitly disclose that the management information is written in the control information area of the second layer. The examiner maintains that it is obvious to one having ordinary skill in the art that the recoding of management information to the control information area of the first layer is an obvious variant of recoding management information to the control information area of the second layer. Therefore, the method as taught by Kuroda is extendable to other control information areas on different layers.

Regarding **claim 3**, KT disclose everything claimed as applied above (see claim 1), in addition KT disclose that "the initialization step is located in time before the first recording step". Specifically, Kuroda discloses that a request may be made to record, change, or delete the general information recording area where the general information is not yet recorded and that in this instance, initial management information is written to the management information recording area 25 (page 4, paragraph [0070], lines 1 - 6, and figure 3A item 25) which reads on "the initialization step is located in time before the first recording step" claimed.

Regarding **claim 5**, Kuroda discloses an optical disk recording apparatus that reads on the recording apparatus for recording information on a multi-layer disc claimed. Kuroda discloses a "Recording apparatus for recording information on a multi-layer optical record carrier, said record carrier comprising at least two information layers" (page 1, paragraph [0012] 'apparatus' and page 2, paragraph [0036] 'two-layer structure') , "each of said information layers comprising . . . an user information area" (page 2, paragraphs [0039] [0040], and figure 3A items 26, 27 'general information recoding area'), "writing means for writing information patterns representing information in the information layers" (page 2, paragraph [0029], and figure 1 item 14 'optical head 14 records or reproduces'), "positioning means for controlling the writing means such as to write information patterns on either a first or a second of said at least two information layers" (page 2, paragraph [0029], and figure 1 item 13 'servo control circuit 13 provides tracking servo and focus servo'), "control means for controlling the writing means and the position means" (page 2, paragraph [0035], and figure 1 item 21 'A control section 21 including a microcomputer, etc. '), "to write information patterns representing user information in the user information area of the first of said at least two information layers" (page 2, paragraph [0041], and figure 3A items B, 23 'general information recording area'), "to subsequently write information patterns representing user information in the user information area of a second of said at least two information layers" (page 3, paragraph [0044], and figure 3B items E, 24, 27 'general information recording area 27'), "to subsequently write information patterns representing control information in the inner control information areas and the outer control information areas

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of said first and second information layers” (page 3, paragraph [0045], and figure 3A items C, 25) , "characterized in that the control means are adapted for writing information patterns representing control information in at least one of the inner control information area and the outer control area of the second information layer before the writing information patterns representing user information in the user information area of the second of said at least two information layers” (page 4, paragraph [0070], and lines 1 - 6 ‘general information is not yet recorded’). However, Kuroda fails to disclose where “each of said information layers [comprises] an inner control information area . . . and an outer control information area”. The examiner maintains that it was well known in the art for the optical disk recording apparatus disclosed in Kuroda to include “information layers comprising an inner control information area . . . and an outer control information area”, as taught by Tanaka.

In a similar field of endeavor Tanaka discloses recorder for recording data on a multilayer optical recording medium that has two information layers both having a lead-in area and a lead-out area (column 13, lines 4 – 7, figure 7 items 3b 5b and column 7, lines 61 – 67 and figure 7 items 3d 5d) which reads on “said information layers comprising an inner control information area, . . . and an outer control information area” claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the optical disk recording apparatus of Kuroda by specifically using the teachings in Tanaka to include “said information layers comprising an inner control information area, . . . and an outer control information area”



because one having ordinary skill in the art would recognize that a multilayer disc having multiple control information areas is an obvious variant of the dual-layer single control information area disk of Kuroda.

**Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroda, in view of Tanaka, and further in view of Ueki (United States Patent US 6,678,236), hereinafter referenced as Ueki.

Regarding **claim 4**, KT disclose everything claimed as applied above (see claim 1), however KT fail to disclose that "the amount of information patterns representing control information written in the initialization step corresponds to one ECC block of information". The examiner maintains that it was well known in the art for the optical disk recording method disclosed in Kuroda to include "the amount of information patterns representing control information written in the initialization step [corresponding] to one ECC block of information", as taught by Ueki.

In a similar field of endeavor Ueki discloses a method for recording and reproducing information in which a recording medium has lead-in area which stores lead-in information in units of predetermined error correction blocks (column 2, lines 61 – 64) which reads on "the amount of information patterns representing control information written in the initialization step [corresponding] to one ECC block of information" claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the optical disk recording method of Kuroda by

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specifically using the teachings in Ueki to include "the amount of information patterns representing control information written in the initialization step [corresponding] to one ECC block of information" because one having ordinary skill in the art would recognize the importance of grouping the control information into familiar units such as ECC blocks.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN BUTCHER whose telephone number is (571)270-5575. The examiner can normally be reached on Monday – Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young, can be reached at (571) 272 - 7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BMB

October 8, 2008

/Wayne Young/

Supervisory Patent Examiner, Art Unit 2627